

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 1, 1949
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding:

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Gulton Morgan, City Manager; Trueman E. O'Quinn, City Attorney;
J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police.

The minutes of the previous meeting were read; and upon motion, duly seconded, were approved.

MR. C. B. SMITH appeared before the Council regarding an option to the Austin Area Economic Development Foundation for the west 400 acres of the Lake Austin Metropolitan Park. He stated the Foundation was to secure more payrolls in the City of Austin, to get more industry of a desirable type, and for the development of the lake area; and asked that the Council pass a resolution; and at the proper time pass an ordinance granting an option to the Foundation. In this connection, MR. E. L. BAUKNIGHT submitted the following brief, prepared by representatives from Austin Area Economic Development Foundation, Austin Chamber of Commerce, Austin Junior Chamber of Commerce, Austin Real Estate Board, Lake Travis Development Association and other Civic Organizations:

"In November of 1948, the Austin Area Economic Development Foundation invited and brought representatives of the Butlin Holiday Village Plan for recreational and resort activities to Austin.

"At the time of the first visit by the members of the Butlin interests, a meeting was held between these representatives, members of the Austin Area Economic Development Foundation, Mayor Tom Miller, and other members of the City Council. At that meeting, the general plan of development for a recreational holiday resort was set forth and Mayor Miller stated that a part of the Lake Austin Metropolitan Park would be made available for the proposed development. Such a development

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would provide for an enlargement of the original purpose of the park and thereby broaden its utility for the welfare of Austin citizens and also attract vacation patrons from all over the United States.

"Development of recreational and resort facilities is a major part of the program of the Foundation consisting of 430 of Austin's civic leaders and businessmen.

"The advantages of such a project to Austin, the lakes region, the Central Texas area and the whole State of Texas are immediately evident to anyone considering the broad aspects of tourist travel, planned vacations, labors' greater number of leisure hours and the need for relaxation in our modern day living.

"The establishment of a large vacation and resort facility will result in untold benefits to the City of Austin and the whole lakes region of Central Texas because of its tremendous advertising appeal. The publicity which would be secured for this area and the whole State of Texas would be unexcelled and the very fact that such publicity would be obtained at no expense to the City of Austin or the area should immediately prove the advisability of our efforts to secure such a resort.

"During the construction of such a large facility, many million dollars will be spent directly for labor, materials, planning, supervision and actual construction of the project. Development of the land area and of the water facilities will be embraced in the program. The complete furnishing of the many buildings planned in the project, again, will mean a direct outlay of a substantial sum of money for Austin. In line with the present trend of construction, which has been constantly increasing in Austin, the project would create additional jobs for construction workers, laborers and various trades craftsmen throughout our area. The work of the L.C.R.A. in its present construction program is further evidence of the tremendous growth and development along the Colorado River.

"It is established by the Texas Highway Department records that 5,012,000 people visited Texas in 1948. Except for the Bandera-Kerrville area, there is no focal point or primary objective for the tourist in Central Texas. The amount spent by tourists in Texas for 1948 was \$114,528,000. Obviously, the attraction of a large resort facility would yield an ever increasing number of tourists, vacation and visitor element to Austin and our immediate area.

"The City of Austin itself would gain otherwise by virtue of the direct income from such a project for utility service, both from light and power.

"The value of a large resort facility which may be used by the public during much of the year is that it will attract many conventions, meetings and gatherings which, at the present time, could not be accommodated in the City.

"University officials view this development as affording to the student body and faculty of the University of Texas a first-class facility for holding special group meetings and various functions. This will be a definite additional asset to the already existing facilities for functions of the

University groups. The University's interest, already stated to the Council, in adequate facilities, highways and environment, and a location easily accessible, was a large factor in determining that this tract, adjacent to what should be a well-developed and well-used park, is the desirable location for the holiday village development.

"The development of the whole lakes region will be given a definite boost by the establishment of a project such as that envisioned and planned under the proposed facility.

"The money which will be spent by the transient and tourist trade with the merchants and businessmen of Austin will represent a substantial increase in business and profits.

"This type of vacation and resort development is not new and has behind it a tried and proven record of customer acceptance and financial success. Austin's banking institutions, after extensive investigation, found that the moral integrity and financial responsibility of the Butlin interests, who are operators of the world's largest vacation resorts, were unquestionable.

"The Butlin interests, after having made extensive investigations of all other areas in the U.S., are Austin's best prospect for establishing a nationally recognized vacation facility and one which should further similar projects.

"Realizing that, after the existence of these lakes for many years with very limited development thus far, failure to avail ourselves of this opportunity would be most unfortunate to the citizenry of Austin and the State of Texas.

"The Foundation initiated the effort for large-scale resort development. The option is asked by the Foundation itself. The Foundation, representing Austin civic and business life, will be alert to see that this option is conveyed only to such an organization or group that it is fully satisfied can and will meet all the conditions and requirements and build and maintain a successful enterprise.

"In addition to the above statements, we believe that the City will be able to find the following facts to sustain the request for option and subsequent sale of the 400 acres, as described, of the Lake Austin Metropolitan Park:

A. That the City of Austin acquired by warranty deeds in 1939 and 1940 approximately 1,100 acres of land located on Lake Austin, $7\frac{1}{2}$ miles upstream from the Tom Miller Dam; and

B. That the said property was surveyed and found to contain 1,260 acres; and

C. That the same was designated as "Lake Austin Metropolitan Park" and was incorporated in the City limits of the City of Austin by annexation ordinance passed on October 16, 1941; and

D. That through the cooperation of the U.S. Government a portion of said property was partially developed by the National Park Service of the Department of Interior and the C.C.C.; and

E. That the City of Austin has not had sufficient funds to properly maintain and develop the park for recreational and conservation purposes; and

F. That the City has been requested to make available or to assist in making available lands adequate for the erection and operation of a vacation village of the type now operated by the Butlin Projects for the purpose of bringing to Austin thousands of tourists each year, thereby exploiting the possibilities of the "Highland Lakes Area of Central Texas", and supplementing and increasing Austin's permanent pay rolls; and

G. That the City Council, upon investigation and analysis of its parks and recreational properties, will find the additional facts:

1. That the City of Austin has within its corporate limits. (excluding Lake Austin Metropolitan Park) 40 parks, recreational centers, athletic fields, and playgrounds containing 907 acres of land, and 2 municipal golf courses of 237 acres, also maintained by the City;

2. That with the above parks our City now stands 5th in land area per capita in the United States dedicated to recreational and park facilities;

3. That considering the size of Austin and its anticipated growth, the City has other park facilities and property adequate to maintain its national position, and adequate to serve the anticipated future needs of the City of Austin;

4. That the Lake Austin Metropolitan Park is 13 miles by road and $7\frac{1}{2}$ miles by water from downtown Austin, and that it is inaccessible to a large majority of our citizens who must depend upon public conveyances;

5. That with the funds available now or in the foreseeable future for park and recreational purposes the City cannot properly service, maintain, operate or develop the entire Lake Austin Metropolitan Park;

6. That a large portion of the Lake Austin Metropolitan Park (including the 400 acres hereinafter described) is still in its natural state, is a wilderness, is inaccessible and unsuitable for extensive public use;

7. That in its present state, it is impractical to police and patrol the four hundred acres of the Park or even all other portions of the Park;

8. That the City has other undeveloped park lands along the Colorado River, including the "Sand Beach" area in the heart of the City that are undeveloped by reason of lack of funds available for park purposes.

"The City has a possibility of disposing of a part of the Lake Austin Metropolitan Park, described as follows:

'Land embraced in the proposed option begins 1750 feet west of the present bath house in the park and runs westward and north-west to the end of the city park, thence northward to the road crossing the park area."

for an appraised value of \$46,500.00. This will leave the City approximately

860 acres of that part of the park which may be serviced and maintained as a park; and

"Whereas the revenues from the proposed sale of such 400 acres will assist the City to properly beautify the remaining portion of Lake Austin Metropolitan Park, and enable the City to improve and beautify its present parks, and may be used for development of other more accessible parks; and

"Whereas the Austin Area Economic Development Foundation has requested the City Council to grant it an option for future assignment for the purchase of the 400 acres of land heretofore described for the development by the Butlin or other interests acceptable to the City of Austin of a recreational or vacation resort of the type known as "Butlin Vacation Villages"; and

"Whereas the Civic Organizations of Austin are desirous of the City Council granting said option;

"Now therefore, your petitioners respectfully request that the City Council take immediate and appropriate action to grant the option requested.

AUSTIN AREA ECONOMIC DEVELOPMENT FOUNDATION"

Others speaking in favor of the Council's granting the option were MR. JOE CARRINGTON, President of the Chamber of Commerce; MR. WARREN SMITH; MR. LUTHER THOMPSON, stating Austin could not now take care of big conventions, and that this project would help and also mean millions of dollars for Austin; MR. KEN HARPER, Lake Travis Improvement Association, stating this association was backing the Foundation, in development of Lake Austin; MR. JACK HOLLAND, Dean of Men at the University, stating the University was in favor of this development for the social advantages for some of their students; MR. W. P. WATTS, State Employees Association, stating this development would be another incentive to attract employees for state work, and would be a project that would fit in with employees' income; MR. LESLIE CROCKETT, Associated GENERAL CONTRACTORS, stating they were in favor of the project. MR. GENE RAVEL, Junior Chamber of Commerce presented the following resolution from the Austin Junior Chamber of Commerce:

"WHEREAS, the Austin Junior Chamber of Commerce has been interested in the further development of the Central Texas Lake Area, and

"WHEREAS the Austin Area Economic Development Foundation is striving to carry out these objectives by the encouragement of interested parties, and

"WHEREAS the City of Austin holds property which can be legally sold for a development such as this,

"NOW THEREFORE BE IT RESOLVED by the Austin Junior Chamber of Commerce that the City of Austin do all within its power to assist the Austin Area Economic Development Foundation in its effort to develop the resources of the lake region and to sell properties to the Foundation where needed."

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FORMER MAYOR TOM MILLER spoke giving an early history of the different expansion programs of the City, and the work of the P.W.A., and the purchase of this 1200 acres of land. He stated it was not purchased from Park money, and was purchased at a very low price, and is worth many times more, now. He stated the sanitation would be governed under both city and state laws, and the rights of the people would be safeguarded. He stated he could see no objections in selling this land and taking the money and spending it on recreation some way.

MR. RIP PENN spoke in bitter opposition to the sale of this park, stating it would take 20% of the park area, and that it would take $\frac{3}{4}$ of the lake front that the people had access to. He inquired why this particular site had to be considered for the Holiday Camp, and why was other land considered. Mr. Penn felt that it was not necessary to give the Foundation this option, and felt that the Council was delegating its authority to the Foundation. He brought out that the legality of the sale was questioned, and asked that the people of Austin be given a chance to vote on this sale. In spite of the fact there are no good roads, the people are using this park, and he asked that the Council not take away the only entrance to the lake that the people had. It is open to anybody from anywhere in the United States. He stated it was not the only piece of property available, but was the only piece of lake front open to the public. He reminded the Council that the City of Austin drew up and adopted a resolution dedicating this as a park not to be sold, and got several thousand dollars from the Federal Government; and he felt if it were sold, it would be damaging to the credit of Austin, and he again asked that the people be permitted to vote on whether or not this park should be sold.

MR. JOHN COFER spoke in vigorous opposition to the sale, stating it was wrong for this City Council to contemplate turning over to a private corporation 400 acres of City land for them to build a $\frac{1}{2}$ million dollar private enterprise, and it could not be defended on any basis of municipal integrity or honesty; and it is wrong from a judicial standpoint for the Foundation to ask the Council, as the City Charter prohibits a contract being made with a corporation where a member of the Council is on the Board of Directors. Here, MAYOR GLASS stated he was not on the Board of Directors, but was a member of the Industrial Foundation. MR. COFER continued stating the City Attorney had given his opinion that it could not be legally sold. He stated a large number of people were opposed, but hated to voice their opinion in open meeting. He stated this proposed development could not be afforded by the ordinary working class. He brought out that the Charter provided that a sale like this should be submitted to the citizens for vote. He inquired if the developers would pay city taxes as this was in the City limits; and in general discussion it was stated they might not be required to pay taxes as they would not receive fire protection, school benefits, garbage collection, and other services.

THE MAYOR stated to the citizens that this particular piece of land, the 400 acres, was on a high bluff, cedar land, suited for this project, but not suited for a park; and on the sale of this, the Council was negotiating for 1000 acres on the lake which would be suited for a golf course; and in the original site, there were still six or seven hundred acres left.

The Mayor read the following resolution:

WHEREAS, the City of Austin by purchase acquired in 1939 and 1940 approximately twelve hundred and sixty (1260) acres of land fronting on Lake Austin, approximately seven and one-half ($7\frac{1}{2}$) miles upstream from the Tom Miller Dam; and

WHEREAS, said 1260 acres was known and designated as "Lake Austin Metropolitan Park" and was incorporated in the city limits of the City of Austin by an annexation ordinance finally passed October 16, 1941; and

WHEREAS, by contract with the United States Government said property was developed by the Department of Interior under supervision of the National Park Service in cooperation with the Civilian Conservation Corps; and

WHEREAS, the City of Austin has maintained, operated, and developed the Lake Austin Metropolitan Park, recreation, and conservation purposes; and

WHEREAS, Austin Area Economic Development Foundation together with certain interests represented by the Butlin Holiday Village Association have requested the City Council to grant an option for the sale to the Foundation or the Butline interests, or both, approximately four hundred (400) acres of Lake Austin Metropolitan Park for use and development by the Butlin interests as a commercially operated recreation resort and vacation project; and

WHEREAS, the City Council is desirous of granting said option to purchase within the limits of the power of the City Council to sell or otherwise dispose of said lands and upon certain terms and conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council declares that an option to purchase approximately 400 acres of the Lake Austin Metropolitan Park will be granted to the Austin Area Economic Development Foundation, which option shall be transferable, upon written notice to the City of Austin, upon the following terms and conditions:

- (1) That the acreage included within the option shall be used exclusively by the purchasers for recreation, vacation, and resort development.
- (2) That a legal and accurate description of the property with a stipulated price for the option and a stipulated price for the final purchase of said land shall be stated in the option.
- (3) That the option to purchase said property shall permit a six months' period for research and engineering work by the proposed developers and that general building plans shall be submitted to the City Council for inspection and approval.
- (4) Upon approval by the City Council of the preliminary building plans an additional period of six months shall be given to the developers and purchasers for completion of a prospectus and financial program.
- (5) Upon termination of the second six months' period, if the program for financing the project has been completed successfully, the developers and purchasers shall be required to pay to the City of Austin not less than twenty-five percent (25%) of the purchase price of the property, the balance of said purchase price to be paid upon the beginning of actual construction of the building program.

(6) Upon payment of 25% of the purchase price, an additional period of one year shall be allowed the developers and purchasers for the beginning of actual construction. Completion of not less than 50% of the approved project, based upon a 2000 bed operation, shall be completed within three years from date of the contract to purchase.

(7) The land covered by the option to purchase shall be used exclusively for the development of a recreation, vacation, and resort service project, and in the event of failure on the part of the developers and purchasers to complete at least 50% of the project (that is, a 1000 bed operation), title to the land, if title has passed, and in any event all right and title in and to said land, shall revert to the City of Austin five years from date of the contract to purchase.

(8) The Austin Area Economic Development Foundation shall be held liable only to the extent of the legal obligations assumed by said Foundation in the option or contract to purchase.

No action was taken on this resolution as Councilman MacCorkle had not had an opportunity to read the resolution, brief, and other data; and in the interest of all the people of Austin, Councilman MacCorkle asked that he have time to go into this a little more thoroughly. MR. COFER requested that the City submit the question to the Attorney General for an opinion as to authority of home rule cities on questions of this type. MAYOR GLASS stated this might be a good idea.

VERNON LEE GOODE came before the Council in an appeal of his taxi-driver permit which was recommended denied. The City Manager's recommendation was for denial, due to the police record of the applicant. Councilman MacCorkle moved that the recommendation of the City Manager be upheld and the permit NOT be granted. The motion duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

MR. JOHN D. KINSER appeared before the Council with regard to selecting a site to lease from the City for a Pitch and Putt Golf Course, other than the site he had previously asked for. Councilman Drake moved that the City Manager be instructed to negotiate with Mr. Kinser with regard to the Pitch and Putt Golf Course on the site designated under the terms submitted. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The following ordinance was introduced by Mayor Glass:

AN ORDINANCE REPEALING THE CERTAIN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE ISSUANCE OF SEVEN MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$7,150,000.00) ELECTRIC LIGHT AND POWER, WATER WORKS AND SEWER SYSTEM IMPROVEMENT AND EXTENSION REVENUE BONDS, 1949 SERIES, OF THE CITY OF AUSTIN, TEXAS; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS, PROVIDING FOR THE PAYMENT THEREOF AND THE OBLIGATIONS OF THE CITY WITH RESPECT THERETO AND PRESCRIBING THE CONDITIONS UNDER WHICH ADDITIONAL BONDS MAY BE ISSUED", PASSED BY THE CITY COUNCIL AT A SPECIAL MEETING HELD AUGUST 26, 1949; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved, seconded by Councilman Drake, that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman Johnson moved, seconded by Councilman Drake, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was then read the third time and Councilman Johnson moved, seconded by Councilman Drake, that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had been finally passed.

The following ordinance was introduced by Mayor Glass:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SEVEN MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$7,150,000.00) ELECTRIC LIGHT AND POWER, WATER WORKS AND SEWER SYSTEMS IMPROVEMENT AND EXTENSION REVENUE BONDS, 1949 SERIES, OF THE CITY OF AUSTIN, TEXAS; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS, PROVIDING FOR THE PAYMENT THEREOF AND THE OBLIGATIONS OF THE CITY WITH RESPECT THERETO AND PRESCRIBING THE CONDITIONS UNDER WHICH ADDITIONAL BONDS MAY BE ISSUED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Long and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None
Absent: None

The ordinance was read the second time and Councilman MacCorkle moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Long and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None
Absent: None

The ordinance was read the third time and Councilman MacCorkle moved that the ordinance be finally passed. The motion was seconded by Councilman Long, and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None
Absent: None

The Mayor announced that the ordinance had been finally passed.

The following ordinance was introduced by Council Drake:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE ELECTRIC LIGHT AND POWER WORKS AND SYSTEM OF THE CITY OF AUSTIN FOR DOMESTIC, COMMERCIAL, AND OTHER USES OF ELECTRIC LIGHT AND POWER SOLD AND SERVICED BY THE CITY OF AUSTIN; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS, OR PARTS OF THE SAME, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Drake moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Johnson and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None
Absent: None

The ordinance was read the second time and Councilman Drake moved that the rules be further suspended and the ordinance be passed to its third reading.

The motion was seconded by Councilman Johnson and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time and Councilman Drake moved that the ordinance be finally passed. The motion was seconded by Councilman Johnson, and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Long:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM AND THE SANITARY SEWER SYSTEM OF THE CITY OF AUSTIN FOR ALL USES OF SUCH WATER AND SEWER CONNECTIONS AND FACILITIES; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS, OR PARTS OF THE SAME, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman MacCorkle and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman Long moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman MacCorkle and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion was seconded by Councilman MacCorkle, and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor announced that the ordinance had been finally passed.

The following ordinance was introduced by Councilman Johnson:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS

OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III, RELATING TO SIGNAL LIGHT LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Long and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None
Absent: None

The ordinance was read the second time and Councilman Johnson moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Long and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None
Absent: None

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion was seconded by Councilman Long, and the same prevailed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None
Absent: None

The Mayor announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WOODROW AVENUE, from a point 22 feet north of Romeria Drive north to Alegria Road, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said WOODROW AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in ALEGRIA ROAD, from Woodrow Avenue to Grover Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said ALEGRIA ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in NUECES STREET, from a point 15 feet south of West 2nd Street Alley northerly 22 feet, the centerline of which gas main shall be 33 feet west of and parallel to the east property line of said NUECES STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in WEST 2nd STREET ALLEY, from Nueces Street westerly 182 feet, the centerline of which gas main shall be 7 feet north of and parallel to the south property line of said WEST 2nd STREET ALLEY.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in EAST 56th STREET, from Bennett Avenue easterly 346 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said EAST 56th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in BENNETT AVENUE, from a point 22 feet south of East 56 $\frac{1}{2}$ Street, northerly 64 feet, the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said BENNETT AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in CHESTNUT AVENUE, from a point 71 feet north of East 14th Street northerly 109 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said CHESTNUT AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in CONGRESS AVENUE ALLEY, from a point 93 feet south of East 8th Street northerly 352 feet, the centerline of which gas main shall be 10 feet east of and parallel to the west property line of said CONGRESS AVENUE ALLEY.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in COMAL STREET, from a point 33 feet south of East 14th Street northerly 70 feet, the centerline of which gas main

shall be 19 feet east of and parallel to the west property line of said COMAL STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in EAST 14th STREET, from Comal Street easterly 175 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said EAST 14th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in EAST 40th STREET, from Brookview Road easterly 60 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said EAST 40th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Zimpleman and Heckman are the Contractors for the erection of a building located at 1500 East 6th Street and desires a portion of the sidewalk space abutting Lots 11 and 12, Block 4, Outlot 4, Division A, in the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated to be granted to said Zimpleman and Heckman, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 6th Street to a point 4 feet north of the north curb line; thence in an easterly direction and parallel with the centerline of East 6th Street approximately 90 feet to a point; thence in a northerly direction and at right angles to the centerline of East 6th Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the Zimpleman and Heckman, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a guard rail within the boundary line along the east, west and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(5). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than December 31, 1949.

(8). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant

reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Johnson moved that the following applications for change of zoning, be referred to the Zoning Board of Adjustment for consideration and recommendation:

JACK SPARKS, GEORGE SPARKS, AND MRS. YERGER HILL, JR.	1107-11 Rio Grande	From "B" Residential To "C" Commercial
R. G. MUELLER, JR.	1604 W. 35th St.	From "A" Residential To "C" Commercial
W. J. NELSON	2917 Red River	From "A" Residential To "B" Residential

The motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following applications for change of zoning, after having been considered by the Zoning Board of Adjustment, and recommendation having been made, be set for public hearing at 2:30 P.M., SEPTEMBER 22, 1949:

WM. WAYNE HUFF	Lots 1 & 2, Tarrytown No. 5, 2508-10 Indian Trail	From "A" Residential To "B-1" Residential NOT Recommended by the Zoning Board of Adjustment (See report on this file)
N. O. CRUMLEY	So. 111' of Lot 11, Blk. M., Bouldin Addition, 910 West Mary	From "A" Residential To "C" Commercial RECOMMENDED by the Zoning Board of Adjustment.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager submitted the following memorandum:

"August 31, 1949

"Memorandum to: Mr. Guiton Morgan, City Manager

"Subject: Contract #13B - Power Plant Building

"The bids for the Power Plant Building were duly opened on Wednesday morning, at 10:00 A.M., August 31, 1949. The tabulation of bids are as follows:

1. J. M. Odom - \$489,830.00
2. Yarbrough Construction Co. - \$496,489.00
3. Thomas Bryan & Assoc. - \$522,133.00
4. W. S. Bellows Const. Co. - \$524,500.00
5. Rex Kitchens Const. Co. & E. B. Snead - \$528,000.00
6. John V. Boland Const. Co. - \$583,899.00
7. Austin Building Company - \$593,000.00
8. E. E. Farrow Co. - \$648,980.00
9. Nathan Wolffield - \$672,962.00

"We concur with the recommendation of Burns & McDonnell Engineering Company that the bid of J. M. Odom of \$489,830.00 as a lump sum base bid be accepted as the lowest and best bid."

(Sgd) Walter E. Seaholm
Director of Utilities"

The City Manager submitted the following letter from BURNS & McDONNELL ENGINEERING COMPANY, addressed to Mr. Walter E. Seaholm, Director of Utilities, under date of August 31, 1949.

"Bids for Contract No. 13-B - Main Power Plant Structure which were opened this morning are as follows:

1. J. M. Odom - \$489,830.00
2. Yarbrough Construction Company - \$496,489.00
3. Thomas Bryan & Assoc. - \$522,133.00
4. W. S. Bellows Construction Company - \$524,500.00
5. Rex Kitchens Construction Co. & E. B. Snead - \$528,000.00
6. John V. Boland Construction Company - \$583,899.00
7. Austin Building Company - \$593,000.00
8. E. E. Farrow Company - \$648,980.00
9. Nathan Wolffield - \$672,962.00

"We have studied these bids and find that the low bid in all respects conforms to the plans and specifications. The low bidder offers to complete the project in substantially as short a time or shorter than any other bidder, and is in our opinion completely capable of building this project. We, therefore, believe that the bid of J. M. Odom for \$489,830.00 is the lowest and best bid and we recommend that Contract 13B be awarded to him.

BURNS & McDONNELL
Engineering Company

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin received and considered the bids of nine (9) construction companies for the erection and construction of a new Power Plant Building on August 31, 1949; and

WHEREAS, the bid of J. M. Odom of Austin, Texas, being for the sum of \$489,830.00, was found to be the lowest and best bid of the nine bids submitted; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to enter into a contract with J. M. Odom, Austin, Texas, for the erection and construction of a new Power Plant Building.

Which motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, Johnson, MacCorkle, Mayor Glass
Noes: None

It was noted that the bid of Mr. Odom was \$160,000 below the City's estimate.

There being no further business, upon motion, duly seconded, and carried, the Council adjourned subject to call of the Mayor.

APPROVED

O. Taylor
Mayor

ATTEST:

Elbi Wooley
Acting City Clerk